

VZCZCXR08111
PP RUEHBC RUEHDE RUEHDIR RUEHIHL RUEHKUK
DE RUEHGB #3796/01 3390637
ZNY CCCCC ZZH
P 040637Z DEC 08
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 0678
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY
RUCNIR/IRAN COLLECTIVE PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 003796

SIPDIS

E.O. 12958: DECL: 12/04/2018
TAGS: PHUM KJUS PTER PINS PREF IR IZ
SUBJECT: GOI DELIVERS ASSURANCES TO MEK, TAKES CUSTODY OF FIRST DEFECTOR

REF: A. BAGHDAD 2658
 1B. BAGHDAD 3556
 1C. BAGHDAD 1889

Classified By: Political Military Minister Counselor Michael H. Corbin for reasons 1.4 (b) and (d).

¶1. (C) Summary: A GOI delegation led by Minister of Human Rights Wijdan Salim conveyed the GOI's humanitarian assurances to the USG to the Camp Ashraf (Mujahedin e-Khalq (MEK)) leadership during a November 26 visit. The GOI had been reluctant to officially convey the assurances, concerned that this would legitimize the MEK, but finally agreed to do so in an effort to foster cooperation with the group's leaders during the current transfer of security authority. The GOI delegation returned to Baghdad with a 26-year-old defector, the first to have left the MEK since the security transition began. The Ministry of Defense will house and care for the defector until he is repatriated to Iran or given another legal status. ICRC met with Minister Wijdan following the visit and pledged to monitor his situation and help repatriate the defector to Iran if he wishes to return. UNHCR has also offered its assistance on individuals defecting from the camp. End Summary.

MOHR ASSURES RIGHTS FOR MEK, ASKS FOR COOPERATION

¶2. (C) Minister of Human Rights Wijdan Salim visited Camp Ashraf on November 26 with a GOI delegation consisting of Ministry of Defense (MoD) Deputy Head of Intelligence Colonel Uday Muhammed Jassim, Ministry of Human Rights (MoHR) Chief of Staff Firas Faleh, and MoHR Legal Representative Sa'ad Kata. USG representatives included PolMil MinCouns, Task Force 134 (TF134) Commanding General, and EmbOffs. Minister Wijdan represented the GOI in reading the GOI's August 14 diplomatic assurances to the USG that it would meet international humanitarian law with regard to treatment of camp residents and would not forcibly return any resident to a country where he/she would face persecution (ref A) to the Camp Ashraf leadership.

¶3. (C) The GOI had been reluctant to officially convey the assurances, concerned that this would legitimize the MEK, but finally agreed to do so in an effort to foster cooperation with the group's leaders during the current transfer of security authority. During the meeting with the Camp leaders, Minister Wijdan emphasized that her visit represented the position of the inter-ministerial committee formed to handle the Camp Ashraf situation led by MOD and including representatives from the Ministries of Justice, Foreign Affairs, and Interior. She said the assurances applied only to individuals and were not rights given to the Mujahedin e-Khalq (MEK), which the GOI views as a criminal organization (ref B). She said the June 17 Council of Ministers' (COM) decree designating the MEK a terrorist organization (ref C) would not be rescinded because it deals

with the organization, not the individuals, but she asked the Camp leaders to focus on working with the GOI to protect the rights of the individuals living in the camp. Wijdan assured the leaders that the GOI will not turn Ashraf into a detention facility and said the GOI will ensure the continued supply of food, water, and other necessities after the transfer is completed, despite language in the June 17 COM decree prohibiting Iraqis from interacting with the MEK and Camp Ashraf residents.

¶4. (C) Camp Ashraf leader (and nominally Vice President of the MEK), Mojgan Parsaei, along with a few other camp leaders, expressed appreciation for Wijdan's conveyance of the assurances but fervently requested that the June 17 decree be rescinded. They also asked for written, not just oral, assurances that security and basic necessities would be provided to each individual by the GOI. At the end of the two-hour discussion, the leaders agreed to coordinate with the GOI and the Iraqi Army on security and deliveries of necessities. Minister Wijdan pledged that all concerns would be resolved in continuous coordination meetings between the GOI's inter-ministerial MEK committee and the Camp Ashraf residents. Separately, TF-134 used the opportunity to press the MoD to give written approval to the Iraqi Army commander of the 3-37 Iraqi Army Battalion of the 9th Division to begin meeting with MEK security officials three times a week to coordinate on transition of security and control of the camp.

FIRST DEFECTOR CASE FOR GOI

BAGHDAD 00003796 002 OF 003

¶5. (C) On November 21, MEK member Abbas Badfar walked out of the camp to become the first defector since the beginning of the security transfer. The 26-year-old Abbas had been in Ashraf for six years, having arrived with his cousin immediately after graduating high school. After leaving Camp Ashraf, Abbas stayed at Forward Operating Base (FOB) Grizzly until the GOI delegation brought him back to Baghdad after the November 26 trip. He is now being taken care of by the MoD and living in a temporary housing structure near the MoD's Muthanna Airport detention facility in Baghdad.

¶6. (C) Abbas will remain at this location, or an alternate location as designated by the MoD, until his legal status is determined. He, or any future defector, has the choice of returning to his country of origin (in this case Iran), seeking refugee status in a third-country, or seeking asylum in Iraq. ICRC is monitoring his case (see below) and UNHCR Commissioner Gutteres told the Ambassador November 25 that UNHCR will assist with refugee cases, and work with the GOI on any asylum requests (septel).

¶7. (C) MoHR representative Sa'ad Kata accompanied Abbas to the MoD facility when he arrived in Baghdad to ensure the facility had adequate living accommodations. Minister Wijdan sent a team to visit the defector on November 27. They discussed his repatriation/resettlement options and provided him with a cell phone and numbers to MoHR officials in case of any problems or questions. The team believes Abbas wishes to return to his family in Iran. They will visit him again on November 30.

ICRC TO ASSIST WITH REPATRIATION CASE

¶8. (C) Minister Wijdan met with ICRC head of Iraq Delegation Juan Pedro Schaeerer and ICRC Detentions Coordinator Laurent Saugy directly after the visit on November 26. ICRC, as it had done in the past, pledged to assist with repatriation if Abbas wants to return to Iran. ICRC will return next week with a Farsi translator and

discuss with Abbas the prospects for repatriation to Iran. If he wishes to return to Iran, ICRC will coordinate arrangements with the Government of Iran. Although Iran has not been willing to repatriate former MEK since April (ref B), ICRC is optimistic that it can repatriate the defector in a short period of time.

¶9. (C) Schaeerer discussed the current defector case with Iranian Ambassador to Iraq Hassan Kazemi-Qomi on November 27. He said Kazemi-Qomi responded favorably to ICRC's request that Tehran agree to again allow repatriations and undertook to work with ICRC to repatriate MEK defectors. During the meeting, Schaeerer also met with 15 Iranian family members of MEK members who wish to see their relatives in Ashraf in the next few days. ICRC agreed to support their trip to Ashraf since ICRC highly encourages family contact. Minister Wijdan met with the family members on November 27 and agreed to facilitate their travel to Ashraf in the next few days.

¶10. (C) Saugy told PolOff on November 25 that ICRC representatives in Tehran have begun looking for the family of the defector and will work with the Iranian government on repatriation. Saugy added that ICRC prefers the arrangement that ICRC will handle defectors who wish to return to Iran, while UNHCR will take responsibility for defectors who wish to become refugees and resettle in a third-country. UN High Commissioner of Refugees Antonio Guterres confirmed to QCommissioner of Refugees Antonio Guterres confirmed to Minister Wijdan on November 26 that UNHCR will be involved with cases of defectors who seek refugee status and do not wish to return to Iran.

COMMENT

¶11. (C) The GOI's official delivery of assurances to the Camp Ashraf leaders will allow for further, and much-needed, coordination between the GOI and the Camp on issues related to the security transition including how supplies will be delivered to the Camp. The Camp leadership had been using the lack of assurances as an excuse not to move forward on several issues, such as coordinating on the security transfer and meeting with the Iraqi security forces at Ashraf, and we will push hard on ensuring that the transfer proceeds successfully and without crisis. It is likely the Camp leadership will now find excuses to claim the GOI will not keep to the assurances the GOI has officially delivered. We also may begin to see signs of the Camp leadership fracturing over the way forward as those with the most to lose in terms

BAGHDAD 00003796 003 OF 003

of terrorist actions against Iran, ponder their future in Iraq.

¶12. (C) The GOI reacted promptly and effectively to its first defector case since the Camp transition began. The GOI demonstrated responsibility for the camp by taking charge of the defector and providing him with shelter and necessities until he is resettled. We will continue to encourage the GOI to plan for higher numbers of defectors, and will work closely with ICRC on this particular case.

CROCKER